## REMARKS

Reconsideration of the application is requested in view of the amendment to the claims and the remarks presented herein.

The claims in the application are claims 1 to 3 and 9 to 12, all other claims having been cancelled.

Applicant's Attorney wishes to thank the Examiner for the courtesies extended to him at the interview on November 30, 2006 at which time the final rejection was discussed.

Claims 1 to 3 and 6 to 12 have been rejected under 35 USC 122 as being anticipated by or under 35 USC 103 as being obvious over Shimizu et al Patent or the Takashimo et al Patent. Applicant's arguments were not deemed to be commensurate in scope with the claims.

Applicant respectfully traverses these rejections since neither reference relates to the production of refractory materials to which the claims have been limited to. The claims now call for incorporating into the refractory materials which are well-known in the art to be materials such as magnesia, dolomite, bauxite or andalusite the mixture of the polycondensation product and at least one phenolic compound and then forming the refractory material.

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The Takashima and Shimizu patents both all relate not to the refractory field but

to the use of a binder in the foundry industry. The sand is coated with the binder and

they are building a shaped form. This form is destroyed when the hot steal contacts the

form. The result is a new form made of steal. The function of the binder in the foundry

industry is different from the binder in the refractory industry. The whole structure of

binder/sand does not build a solid shape at high temperature - to the contrary, it is an

intention that the structure is destroyed. Binders in the foundry do not have a high

oxidation resistance and after the carbonization a high carbon yield normally. Therefore

it was not obvious to use a binder produced by reacting a bisphenol residue with an

aldehyde in an acid medium in the refractory industry. Therefore, the references do not

anticipate or render obvious Applicant's invention and withdrawal of these grounds of

rejection is requested.

In view of the amendments to the claims and the above remarks, it is believed that

the claims point out Applicant's invention. Therefore, favorable reconsideration of the

application is requested.

Respectfully submitted, Hedman and Costigan

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CAM:mlp Enclosures

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## **CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

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